

February 3, 2009

Halisi Edwards Staten
6964 Harbor Town Way
Stone Mountain, Georgia 30087

Realty Executives Advantage Plus Group
2309 River Pointe Circle
Minneapolis, MN 55411

Christopher M. Kaisershot
Assistant Attorney General
445 Minnesota Street
Suite 1200
St. Paul, MN 55101-2130

Re: In the Matter of Halisi Edwards Staten and Realty Executives Advantage Plus Group;
OAH Docket No. 11-1005-20062-2

Dear Ms. Staten, Mr. Kaisershot, and Realty Executives Advantage Plus Group:

This letter will confirm our discussions during the telephone prehearing conference held on January 28, 2009, and constitutes the First Prehearing Order in this contested case proceeding. Mr. Kaisershot appeared on behalf of the Department of Commerce. Ms. Staten appeared on her own behalf.

There was no appearance at the prehearing conference on behalf of Realty Executives Advantage Plus Group. For this reason, Mr. Kaisershot filed a written motion on January 30, 2009, in which the Department of Commerce seeks to have Realty Executives Advantage Plus Group held in default in this matter. Under Minn. Rules 1400.6000, if a party fails to appear without prior consent of the Administrative Law Judge at a prehearing conference, settlement conference, or a hearing or fails to comply with any interlocutory orders of the Judge, a default occurs. Upon default, the allegations of or the issues set out in the Notice of and Order for Hearing against that party may be taken as true or deemed proved without further evidence, and that party's license may be revoked or suspended, that party may be censured, and/or a civil penalty may be imposed against that party without further proceedings. **Ms. Staten and the Realty Executives Advantage Plus Group shall be given ten working days from the date of receipt of this letter to file a response in opposition to the motion. The Department shall be permitted to file a reply brief with respect to the motion within three working days of its receipt of any response by Ms. Staten or the Realty Executives Advantage Plus Group.**

As we discussed during the telephone conference call, the following schedule will govern this case:

1. All discovery in this matter shall be completed by March 20, 2009.

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2. By March 25, 2009, the parties shall exchange proposed exhibit and witness lists. The witness lists shall include a brief summary of the expected testimony of each witness. If any documents identified as exhibits have not yet been exchanged, copies shall be provided with the exhibit lists.

3. All motions in this matter shall be filed by no later than March 27, 2009.

4. A status conference shall be held by telephone on April 1, 2009, at 12:00 p.m. (central time). The Administrative Law Judge will initiate the call. Unless otherwise notified, Ms. Staten will be called at 678-418-0890, and Mr. Kaisershot at 651-282-9992.

5. By April 13, 2009, the parties shall notify the Administrative Law Judge whether they will require the services of a court reporter at the hearing. If no court reporter is requested, the hearing shall be digitally recorded.

6. Pursuant to Minn. Rules 1400.6950, subpart 2, any party objecting to the foundation for any written exhibit proposed by a party must notify both the offering party and the Administrative Law Judge in writing at least two working days before the hearing or the objection is waived.

7. The hearing in this matter shall commence on Monday, April 20, 2009, at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, which are located on the first floor of the Stassen Building, 600 North Robert Street, St. Paul. The hearing shall continue on April 21-22, 2009, if necessary.

8. The parties shall appear at the hearing with at least three copies of each document they plan to offer into evidence.

Ms. Staten indicated during the prehearing conference that she may be interested in retaining an attorney to represent her in this proceeding. She is reminded that she should proceed to do so in an expeditious fashion in order to ensure that we adhere to the schedule set forth above. She should have her attorney file a notice of appearance and serve it on the other parties as soon as possible.

Please do not hesitate to contact me if you believe that an additional prehearing conference or telephone conference call would be helpful.

Sincerely,

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge
Tel.: (651) 361-7845

cc: Docket Coordinator